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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ANTHONY COVARRUBIAS,  
11                                      Petitioner,  
12                                      v.  
13 M.D. BITER, Warden,  
14                                      Respondent.  
15 \_\_\_\_\_

) Case No. CV 11-6213 AG (JCG)

) **ORDER ACCEPTING REPORT**  
) **AND RECOMMENDATION OF**  
) **UNITED STATES MAGISTRATE**  
) **JUDGE AND DENYING**  
) **CERTIFICATE OF**  
) **APPEALABILITY**

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the  
18 Magistrate Judge's Report and Recommendation, Petitioner's Objections to the  
19 Report and Recommendation, and the remaining record, and has made a *de novo*  
20 determination.

21 Petitioner's Objections generally reiterate the arguments made in the  
22 Petition, and lack merit for the reasons set forth in the Report and  
23 Recommendation.

24 Accordingly, IT IS ORDERED THAT:

- 25 1. The Report and Recommendation is approved and accepted;  
26 2. Judgment be entered denying the Petition and dismissing this action  
27 with prejudice; and  
28 3. The Clerk serve copies of this Order on the parties.

1           Additionally, for the reasons stated in the Report and Recommendation, the  
2 Court finds that Petitioner has not made a substantial showing of the denial of a  
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate  
5 of appealability.

6 DATED: October 31, 2013  
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A handwritten signature in black ink, appearing to read "A. J. Guilford", is written over a horizontal line.

HON. ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE